

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON CARL RUSSELL,

Defendant.

CR 18-12-BLG-DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on April 5, 2018. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommended this Court accept Brandon Carl Russell’s guilty

plea after Russell appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to conspiracy to possess with intent to distribute methamphetamine in violation of 21 U.S.C. § 846 (Count I) and possession of a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1)(A)(I) (Count III) of the Indictment.

I find no clear error in Judge Cavan's Findings and Recommendation (Doc. 49), and I adopt them in full.

Accordingly, IT IS ORDERED that Brandon Carl Russell's motion to change plea (Doc. 37) is GRANTED and Brandon Carl Russell is adjudged guilty as charged in Counts I and III of the Indictment.

DATED this 20th day of April, 2018.



Dana L. Christensen, Chief District Judge
United States District Court